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UNCLAS GUATEMALA 000675

SIPDIS

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SUBJECT: CAFTA RATIFIED BY CONGRESS, 126 VOTES TO 12

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Summary

1. Guatemala's Congress ratified the CAFTA text by a 10.5 to 1 margin on March 10 as some 800 unruly demonstrators sought to impede access. UNE and Integracionista party members returned to the Congress after absenting themselves the day before, allowing the 2/3 majority vote to pass the bill on a single reading. End Summary.

Overwhelming Vote in Favor...

2. Guatemala's Congress ratified the CAFTA text by a 126-12 vote on March 10. The vote followed immediately a 122-12 vote to declare the issue a matter of "national urgency," allowing the CAFTA ratification bill to be approved after a single reading of the text. The short legislative decree that grants the Congress's ratification, decree 31-2005, was passed to the Presidency on March 11, where it needs to be signed and then published in the official gazette ("Diario de Centroamerica"). The bill will be published March 16, according to the Secretary General of the Presidency.

...Belies "Undemocratic" Claims of Small Demonstration

3. The overwhelming (10.5 to 1) margin of victory in Congress belied the efforts of CAFTA opponents to portray CAFTA as disadvantageous for Guatemala and the ratification process as undemocratic. A small group of armed, unruly demonstrators -- never more than 800 -- deployed near the Congress, attempting to impede congressional deputies from getting to the Congress. The demonstrators, many of them brandishing inch-thick dowels, threw rocks, bottles, excrement and debris at deputies and others entering or exiting the Congress. Although local media reports showed the police controlling the situation with admirable restraint, the ex-guerrilla URNG and other CAFTA opponents quickly alleged to their anti-globalization contacts in the U.S. and elsewhere that the police were using excessive force to squelch the "peaceful" protests.

Missing Parties Reappear to Declare National Urgency

4. The congressional dynamics of ratification paralleled closely those described in reftel, except that a 2/3 majority vote granting the bill "national urgency" was not possible on March 3, when anti-IPR firebrand Pablo Duarte of the Unionista party forced a suspension of proceedings following the vote to grant data protection national urgency. National urgency permits passage of a law by a single reading and vote. When the Congress convened on March 9 without UNE and Integracionista deputies present, as noted in reftel, it was able to pass the data protection with a simple majority because it could do so under the national urgency rules approved March 3. There were not enough pro-CAFTA members, however, to muster the 105 votes needed to grant national urgency to CAFTA. Members therefore proceeded with the first of three readings of the bill required to pass the legislation under normal rules. This they managed to do.

5. The missing UNE and Integracionistas were back in the Congress on March 10 and ready to vote for CAFTA. The congressional leadership abandoned their work under normal rules and opted to start over under national urgency rules. Apart from being quicker, this avoided the need to meet again the next day, a Friday when deputies from outlying districts are often traveling, or wait until the following week and risk debating CAFTA during a nationwide strike that has been called by a coalition of anti-CAFTA NGOs.

"Compensatory" Legislation Announced

6. In an attempt to appease CAFTA opponents and demonstrate concern for the social impact of CAFTA, congressional leaders announced March 9 after meeting with President Berger that they had reached agreement on a package of legislation "complementary" to CAFTA, which they would seek to pass immediately after CAFTA. The "package" turned out to be the "repackaging" of a dozen bills that were already in the works rather than legislation specifically targeting workers who might be displaced or otherwise affected by CAFTA. The package includes everything from a Framework for the Peace Accords, a Land Title Registry Bill, a Rural Development Bill, Labor Code reforms, and a bill to institutionalize the Fiscal Pact. First up, according to Congress President

Mendez-Herbruger, will be food assistance legislation.
HAMILTON